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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,546	05/31/2001	Patrick Meenan	06975-206001	6775
26171	7590	08/03/2005	EXAMINER	
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			MOORE JR, MICHAEL J	
			ART UNIT	PAPER NUMBER
			2666	
DATE MAILED: 08/03/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/867,546

Applicant(s)

MEENAN, PATRICK

Examiner

Michael J. Moore, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements (IDS) submitted on 5/31/01 and 3/12/03 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner has considered the information disclosure statements.

Drawings

2. Replacement drawings were received on 5/16/2005. These drawings are acceptable and have been entered.

Claim Objections

3. Claims **5, 19, 33, and 48** are objected to because of the following informalities:

Regarding claims **5, 19, 33, and 48**, on line 2 of each of these claims, the term "PPP" should be instantiated "Point-to-Point Protocol (PPP)" in this first instance in each grouping of claims.

Also, there appears to be an error regarding newly added claim **62**. Currently there are two claims numbered "**62**". One of these claims should be claim **63**.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims **1-64** are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiles et al. (U.S. 6,618,393) ("Chiles") in view of Rai et al. (U.S. 6,577,643) ("Rai").

Regarding claim **1**, Chiles teaches home PC 10 (client device) for communicating data packets to peer 12 (host system) as shown in Figure 1. Chiles also teaches spoofing module 50 (protocol server module) of Figure 2 that exchanges control messages associated with a first network protocol such as PPP (first protocol) with network protocol module 40 to emulate protocol negotiation (termination) between the host system (source) and a remote router 26 (destination) as spoken of on column 7, lines 52-57.

Chiles also teaches that spoofing module 50 translates headers of packets associated with the first network protocol into headers associated with a second network protocol as spoken of on column 7, lines 57-60. Chiles also teaches the forwarding (transport) of packets containing headers associated with the second network protocol to remote peer 12 (destination) via driver module 58 as spoken of on column 7, lines 61-65. Chiles also teaches network protocol module 40 (controller module) of Figure 2 connected to spoofing module 50 (protocol server module) that exchanges control messages with the spoofing module 50 as spoken of on column 7, lines 52-57.

Chiles also teaches the use of user provided address configuration information 56 of Figure 2 by spoofing module 50 for negotiating control protocols as spoken of on column 6, lines 38-48. Chiles does not explicitly teach the reception of configuration

data by the host system and the transporting of translated data packets to the destination using this configuration data.

However, Rai teaches a method of IP packet encapsulation where a PPP server (host system) assigns an IP address (configuration data) to an end system (client) using the IP configuration protocol (IPCP) as spoken of on column 10, lines 11-24. This configuration data is used by the end system for packet transport. At the time of the invention, it would have been obvious to someone skilled in the art to modify the system of Chiles to use server assigned IP address information in order to provide support for fixed and dynamic IP address assignment for end systems as stated on column 9, lines 57-58 of Rai.

Regarding claim 14, Chiles teaches home PC 10 (client device) for communicating data packets to peer 12 (host system) as shown in Figure 1. Chiles also teaches spoofing module 50 of Figure 2 that exchanges control messages associated with a first network protocol such as PPP (first protocol) with network protocol module 40 to emulate protocol negotiation (termination) between the host system (source) and a remote router 26 (destination) as spoken of on column 7, lines 52-57.

Chiles also teaches that spoofing module 50 translates headers of packets associated with the first network protocol into headers associated with a second network protocol as spoken of on column 7, lines 57-60. Chiles also teaches the forwarding (transport) of packets containing headers associated with the second network protocol to remote peer 12 (destination) via driver module 58 as spoken of on column 7, lines 61-65.

Chiles also teaches the use of user provided address configuration information 56 of Figure 2 by spoofing module 50 for negotiating control protocols as spoken of on column 6, lines 38-48. Chiles does not explicitly teach the reception of configuration data by the host system and the transporting of translated data packets to the destination using this configuration data.

However, Rai teaches a method of IP packet encapsulation where a PPP server (host system) assigns an IP address (configuration data) to an end system (client) using the IP configuration protocol (IPCP) as spoken of on column 10, lines 11-24. This configuration data is used by the end system for packet transport. At the time of the invention, it would have been obvious to someone skilled in the art to modify the system of Chiles to use server assigned IP address information in order to provide support for fixed and dynamic IP address assignment for end systems as stated on column 9, lines 57-58 of Rai.

Regarding claim **28**, Chiles teaches home PC 10 (client device) for communicating data packets to peer 12 (host system) as shown in Figure 1. Chiles also teaches spoofing module 50 (protocol server module) of Figure 2 that exchanges control messages associated with a first network protocol such as PPP with network protocol module 40 to emulate protocol negotiation (termination) between the host system (source) and a remote router 26 (destination) as spoken of on column 7, lines 52-57.

Chiles also teaches the forwarding (transport) of packets containing headers associated with the second network protocol to remote peer 12 (destination) via driver

module 58 as spoken of on column 7, lines 61-65. Chiles also teaches network protocol module 40 (controller module) of Figure 2 connected to spoofing module 50 (protocol server module) that exchanges control messages with the spoofing module 50 as spoken of on column 7, lines 52-57.

Chiles also teaches the use of user provided address configuration information 56 of Figure 2 by spoofing module 50 for negotiating control protocols as spoken of on column 6, lines 38-48. Chiles does not explicitly teach the reception of configuration data by the host system and the transporting of translated data packets to the destination using this configuration data.

However, Rai teaches a method of IP packet encapsulation where a PPP server (host system) assigns an IP address (configuration data) to an end system (client) using the IP configuration protocol (IPCP) as spoken of on column 10, lines 11-24. This configuration data is used by the end system for packet transport. At the time of the invention, it would have been obvious to someone skilled in the art to modify the system of Chiles to use server assigned IP address information in order to provide support for fixed and dynamic IP address assignment for end systems as stated on column 9, lines 57-58 of Rai.

Regarding claim **42**, Chiles teaches home PC 10 (client device) for communicating data packets to peer 12 (host system) as shown in Figure 1. Chiles also teaches spoofing module 50 of Figure 2 that exchanges control messages associated with a first network protocol such as PPP with network protocol module 40 to emulate

protocol negotiation (termination) between the host system (source) and a remote router 26 (destination) as spoken of on column 7, lines 52-57.

Chiles also teaches the forwarding (transport) of packets containing headers associated with the second network protocol to remote peer 12 (destination) via driver module 58 as spoken of on column 7, lines 61-65.

Chiles also teaches the use of user provided address configuration information 56 of Figure 2 by spoofing module 50 for negotiating control protocols as spoken of on column 6, lines 38-48. Chiles does not explicitly teach the reception of configuration data by the host system and the transporting of translated data packets to the destination using this configuration data.

However, Rai teaches a method of IP packet encapsulation where a PPP server (host system) assigns an IP address (configuration data) to an end system (client) using the IP configuration protocol (IPCP) as spoken of on column 10, lines 11-24. This configuration data is used by the end system for packet transport. At the time of the invention, it would have been obvious to someone skilled in the art to modify the system of Chiles to use server assigned IP address information in order to provide support for fixed and dynamic IP address assignment for end systems as stated on column 9, lines 57-58 of Rai.

Regarding claims **2-4, 15-17, 30-32, and 44-46**, Chiles further teaches RFC 1483 multiprotocol encapsulation over AAL 5 on column 7, lines 41-44. Chiles further teaches how spoofing module 50 strips (removes) off the PPP header (first protocol) and replaces it with an applicable RFC 1483 header in the transmit direction on column

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6, lines 59-63. Chiles also teaches how spoofing module 50 replaces an RFC header with a valid PPP header in the receive direction on column 6, line 67 – column 7, line 3.

Regarding claims **5-8, 19-22, 33-36, and 48-51**, Chiles further teaches network protocol emulation module 52 (PPP server module) that is a part of spoofing module 50 (protocol server module) of Figure 2 and that exchanges control messages associated with PPP with the network protocol module 40 in order to emulate protocol negotiation as spoken of on column 7, lines 52-57.

Regarding claims **9, 24, 37, and 53**, Chiles further teaches that only the header of the application data is changed (transparent to sender) during processing by the header translation module as spoken of on column 6, lines 6-20.

Regarding claims **10, 25, 38, and 54**, Chiles further teaches the use of RFC 1483 multiprotocol encapsulation over AAL 5 on column 7, lines 41-44 that includes provisions for error checking.

Regarding claims **11, 26, 39, and 55**, Chiles further teaches how PPP peer emulation module 52 of spoofing module 50 uses address parameters in the file 56 of Figure 2 to complete the spoofing (filtering) process as spoken of on column 6, lines 36-42.

Regarding claims **12, 23, 40, and 52**, Chiles further teaches a driver module 58 (virtual modem adapter) in Figure 2 connected to transport protocol module 32 and spoofing module 50.

Regarding claims **13, 27, 41, and 56**, Chiles further teaches TCP/IP module 32 of Figure 1 that handles layer 3, IP packets.

Regarding claims **18, 29, 43, and 47**, Chiles further teaches spoofing module 50 (protocol server module) of Figure 2 that exchanges control messages associated with a first network protocol such as PPP (first protocol) with network protocol module 40 to emulate protocol negotiation (termination) between the host system (source) and a remote router 26 (destination) as spoken of on column 7, lines 52-57. Chiles also teaches that spoofing module 50 translates headers of packets associated with the first network protocol into headers associated with a second network protocol as spoken of on column 7, lines 57-60. Chiles also teaches the forwarding (transport) of packets containing headers associated with the second network protocol to remote peer 12 (destination) via driver module 58 as spoken of on column 7, lines 61-65.

Regarding claims **57, 59, 61, and 63**, Chiles further teaches the use of IP configuration data 56 in Figure 2.

Regarding claims **58, 60, 62, and 64**, Chiles teaches the use of user provided address configuration information 56 of Figure 2 by spoofing module 50 for negotiating control protocols as spoken of on column 6, lines 38-48. Chiles does not teach configuration data that is received without manual user intervention.

However, Rai teaches a method of IP packet encapsulation where a PPP server (host system) assigns an IP address (configuration data) without manual user intervention to an end system (client) using the IP configuration protocol (IPCP) as spoken of on column 10, lines 11-24. This configuration data is used by the end system for packet transport. At the time of the invention, it would have been obvious to someone skilled in the art to modify the system of Chiles to use server assigned IP

address information in order to provide support for fixed and dynamic IP address assignment for end systems as stated on column 9, lines 57-58 of Rai.

Response to Arguments

6. Applicant's amendments to claims **31 and 32** to obviate rejection under 35 U.S.C. § 112 2nd paragraph are proper and have been entered. These rejections have been withdrawn.

7. Applicant's arguments pertaining to rejection under 35 U.S.C. § 102(e) with respect to claims **1-56** as amended have been considered but are moot in view of the new ground(s) of rejection provided above.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Moore, Jr. whose telephone number is (571) 272-3168. The examiner can normally be reached on Monday-Friday (8:30am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached at (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael J. Moore, Jr.
Examiner
Art Unit 2666

mjm MM


DANG TON
PRIMARY EXAMINER